



Local Programs Procedures

LPP 98-04 PS&E Review

Reference: *Local Assistance Procedures Manual*, Chapter 12 “Plans, Specification & Estimate,” (PS&E) and Chapter 15 “Advertise and Award Project”

Effective Date: November 16, 1998

Approved: _____

Assistant Program Manager
State and Local Project Development

This LPP reemphasizes the “10 day rule” for Federal wages rates and changes the method for obtaining a list of contractors suspended and debarred from Federal contracts.

WAGE RATES

This year’s PS&E process review found many local agencies with major project deficiencies in the “Federal Wage Rate” section of their PS&E package. Those deficiencies included inserting outdated wage rates, not using the prescribed wage rates for their county, and not including the wage rates in the PS&E package. The process review also indicated that agencies might not be aware of the Federal “10-day rule.”

EXISTING PROCEDURES

Ten days prior to bid opening, local agencies are required to check to see if the Federal wage rates have been updated (for California, local agencies are required to check OLP’s web site ten days prior to bid opening to see what the latest listing is for their county). If the wage rates have been updated, then the local agency is required to put out an addendum to include the new Federal wage rates into their contract. The Federal wage rates web site is at:

<http://www.dot.ca.gov/hq/LocalPrograms/>
under “Databases”

NEW PROCEDURES

To make sure that everyone is aware of the “10-day rules” please replace the following pages in the *Local Assistance Procedures Manual* (LAPM) with the new pages attached. Note: updates are underlined and in **bold**.

Chapter 12: 23, 24, 49, 50, 59, 60
Chapter 15: 43, 44

SUSPENDED AND DEBARRED

Suspension and debarment (S/D) are discretionary administrative actions taken by the Federal government to protect the Federal, State and local governments by excluding persons from participation in the Federal assistance program. The S/D action ensures that government agencies do not conduct business with a person who has an unsatisfactory record of integrity and business ethics. The S/D actions are administered nationwide; consequently, a person excluded by one Federal agency is excluded from doing business on any government agencies' Federal-aid project.

On all Federal-aid construction contracts and related subcontracts, the contractor and lower tier participants are required to certify as to their own current eligibility status, as well as that of their principals, as part of each Federal-aid contract bid proposal and consultant agreement.

EXISTING PROCEDURES

It is the administering agency's responsibility to assure that the contractor is not suspended or debarred from Federal contracts. Prior method for local agencies to check on their contractor's status was to obtain a copy of the publication entitled “A Listing of Parties Excluded from Federal Procurement and Nonprocurement Programs” from FHWA, or access the information electronically via modem.

NEW PROCEDURES

“A Listing of Parties Excluded from Federal Procurement and Nonprocurement Programs” is now available electronically via the Internet at:

<http://www.arnet.gov/epls/>

Please replace the following pages in the LAPM with the new pages attached. Note: updates are underlined and in **bold**.

Chapter 12: 17, 18
Chapter 15: 7, 8, 39, 40

VII. SUBLETTING OR ASSIGNING THE CONTRACT

This section of Form FHWA 1273 applies only to Federal-aid highway construction projects on the NHS.

For local agency projects on the NHS, the contractor is required to perform work amounting to not less than 30 percent of the original contract amount with his/her own organization, excluding specialty items.

No portion of the work may be sublet, assigned or otherwise subcontracted without the written consent of the local agency.

Conformance with State public contract law regarding subcontracting shall be provided elsewhere in the contract provisions.

Note: Local agencies which use *Caltrans Standard Specifications* or the *Standard Specifications for Public Works Construction (Green Book)* and choose to use the 30 percent (NHS Projects only) or the no limit option (Non NHS projects) specified for Federal-aid projects must include a special provision to override the *Caltrans Standard Specifications Section 8-1.01*, *Section 8-1.01*, or the *Green Book Specifications Section 2-3.1*, which require that the minimum percentage of work that a contractor must perform with its own organization is 50 percent excluding any identified specialty items. The no limit for subcontractors option for Non NHS projects also requires that the FHWA boiler plate provisions (FHWA Form 1273) Section VII must also be revised to exclude the 30 percent requirement.

VIII. SAFETY: ACCIDENT PREVENTION

On all Federal-aid construction contracts, the contractor must comply with all Federal, State, and local laws governing health, safety, and sanitation. The contractor must protect the life and health of employees and safety of the public and property. Laborers and mechanics should not be allowed to work under unsanitary or hazardous conditions as determined by construction safety standards. The Department of Labor has right of entry to any site of a contract for inspection or investigation of construction Occupation, Safety, and Health Act (OSHA) standards. The local agency must enforce State safety standards, report violations, and provide cooperation.

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

On all Federal-aid construction contracts, the use of false statements is a felony. False claims for the purpose of obtaining payments against Federal funds is subject to a \$2,000 fine per each violation. Willful distortion, or misrepresentation of any facts related to the project violates Federal law. A "false statements" poster (FHWA Form-1022) must be posted on the project site. Copies of the poster may be obtained through Caltrans or FHWA Offices.

X. CLEAN AIR ACT AND WATER POLLUTION CONTROL ACT

On all Federal-aid construction contracts and all related subcontracts of \$100,000 or more, concrete or asphalt plants used in construction must meet air standards of the Clean Air Act and the water quality standards Federal Water Pollution Control Act.

Form FHWA 1273 implements the EPA regulations which requires violating facilities be listed and not used on government contracts. Use of Form FHWA-1273 constitutes a certification by the contractor that the facilities being used on the contract are not

under consideration for inclusion on the EPA's "List of Violating Facilities." The contractor is required to inform the local agency of any notification from EPA showing that the facility may soon be on the list.

The EPA's "List of Violating Facilities" appears in the *Federal Register*. Changes to this list are published weekly in the *EPA Environmental News*.

The "List of Violating Facilities" consists of the following sublists:

- Violating Facilities of the Clean Air Act (mandatory listed) and
- Facilities that are or have been in recurring noncompliance with clean air or water standards and have one or more of the following:
 - A conviction under the Clean Air Act under Section 113©(2)
 - Any injunction or judgment including consent decrees or other forms of civil ruling by a Federal, State, or local court issued because of noncompliance with clean air and water standards
 - A criminal conviction by a State or local court based on noncompliance of the clean air or water standards
 - Violation of an administrative order issued under Sections 113(a),(d), 167, or 303 of the Clean Air Act or Section 309(b) of the Clean Water Act due to noncompliance
 - An enforcement action filed by the EPA in Federal court under Sections 113(b), 167, 205, or 211 of the Clean Air Act or Section 309(b) of the Clean Water Act due to noncompliance with standards

XI. DEBARMENT, SUSPENSION AND INELIGIBILITY CERTIFICATION

On all Federal-aid construction contracts and all related subcontracts of \$25,000 or more, the contractor and lower tier participants must certify they are in compliance with this provision. This includes subcontractors, material suppliers and vendors.

Each participant in the contract must certify "that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal agency and they have not been convicted or had civil judgment rendered within the past 3 years for certain types of offenses" (see Attachment E in Exhibit 12-E). It is the administering agency's responsibility to assure that the contractor is not suspended or debarred from Federal contracts. A publication titled, "A Listing of Parties Excluded from Federal Procurement and Nonprocurement Programs" is available **electronically via the internet at:**

<http://www.arnet.gov/epl/>

XII. LOBBYING CERTIFICATION

On all Federal-aid construction contracts and to all related subcontracts of \$100,000 or more, Federal funds may not be used to provide financial gain to a member of congress or a Federal agency. Awarding a Federal-aid contract to a constituent would be an example of financial gain. This applies to contractors as well as subcontractors. A certification that the contractor has not and will not use Federal funds to make any payments for lobbying must be included in the contract proposal (see Exhibit 12-G).

- The contractor is responsible for recruitment and selection of trainees.
- The contractor must evaluate training based on an approved training program.
- The contractor shall report the number of trainees and jobs using Form PR1391 “Federal-aid Highway Construction Contractors EEO Report” to the local agency. The local agency shall forward Form PR1391 to the Caltrans District Labor Compliance Officer (see Exhibit 16-O of this manual).
- OJT provision costs are reimbursed by the FHWA with Federal Intermodal Surface Transportation Efficiency Act (ISTEA) funds. Training special provisions may be funded at \$0.80/hour, or the training program can be a bid item with the same reimbursement ratio as the construction project. OJT support services include recruiting, counseling, remedial training, and OJT program administration by others.
- If the contractor does not show a good faith effort to provide acceptable training to the trainees specified, a sanction may be applied. Sanctions may include withholding progress payments if effective on-the-job training is not provided.

In California, Federal “trainees” are considered registered apprentices. There are relatively few crafts in highway work which utilize apprentices—brick layers, carpenters, cement masons, electricians, equipment operators, iron workers, pile bucks, and a few others. There are no apprentice teamsters or laborers. The ratio of journeymen to apprentices is generally 5 to 1.

With these thoughts in mind, the number of trainees established for a project should be determined by examining the extent of only that work which will be done by the apprenticeable crafts. The following procedure may be used as a guide for establishing the number of trainees for a Federal-aid project.

1. If the job has less than 100 working days---no trainees.
2. Add the individual totals for the following items in the Engineer’s Estimate:
 - Excavation of all kinds
 - Embankment and backfill (but not imported borrow)
 - Portland cement concrete, all classes except precast items
 - Bar reinforcing steel and prestressing steel
 - Drive piling
 - Sound walls, masonry blocks
 - Retaining walls, bin walls, etc.
 - Concrete box culverts
 - Highway lighting
 - Signal systems, loop detectors
 - Electrical work for pumps, landscaping, etc.
 - Erect structural steel (but not “Furnish”)
 - L.S. items for buildings, restrooms, etc.
3. Using the total obtained above, determine the number of trainees from the following table:

Number of Federal Trainees

<u>\$ Value</u>	<u>No. Trainees</u>	<u>\$ Value</u>	<u>No. Trainees</u>
Under \$200,000		0	\$3,000,000 7
400,000		1	4,000,000 8
700,000		2	5,000,000 9

1,000,000	3	6,500,000	10
1,500,000	4	8,000,000	11
2,000,000	5	10,000,000	12
2,500,000	6		
Over \$10,000,000 add 1 trainee per \$5,000,000			

FEDERAL WAGE RATES

The payment of predetermined minimum wages on Federal-aid contracts is derived from the Davis-Bacon Act of 1931 and is prescribed by 23 USC 113. These wage rates must be inserted in the special provision on all Federal-aid highway construction projects exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempted. In addition, local agencies are also responsible for incorporating the applicable wage rate decision into each Federal-aid contract. Federal rules require that an amendment for a general wage rate determination be incorporated into a Federal-aid contract if notification of the change is published in the *Federal Register* 10 days or more prior to bid opening.

The Federal minimum wage rates are available directly from Caltrans Local Programs Home Page under "Federal Wage Rates." For local agencies in California to be in conformance with the Federal "10 day rule," local agencies are to access the "Federal Wage Rates" ten days prior to bid opening to see if updated Federal wage rates have been posted. If the updated wage rates have been posted, local agencies are required to issue an addendum to insert the updated wage rates in their contract.

Access to "Federal Wage Rates" is password protected. The appropriate user name and password may be requested from the District Local Assistance Engineers. The name and password are entered after the user agrees to the "Terms of Use" on the "Federal Wage Rates" page. Local agencies or their current consultants that have Internet access are to be given the user name and password. All District Local Assistance Engineers have received a memorandum containing the selection of user names and the password.

Local agencies who do not have Internet access will continue to receive Federal wage rates from the District Local Assistance Engineer. This is subject to district staffing availability. Consultants on retainer as a City/County Engineer or Public Works Director may also receive the password provided that the wage rates are for Federal-aid highway construction contracts programmed through Caltrans, Office of Local Programs.

RELATIONS WITH RAILROAD

Where construction of a Federal-aid project requires use of railroad properties or adjustments to railroad facilities, there shall be an agreement in writing between the local agency and the railroad company. This agreement is discussed in the *Local Assistance Program Guidelines*, Chapter 10, Section 10.6 "Local Agency/Railroad Agreements."

FHWA approval of railroad agreements is required for nonexempt projects. A copy of the conformed agreement shall be transmitted through the DLAE for FHWA review.

C. Certification/Disclosure Forms (Check if included and indicate page number) Page No.

- ☐ *EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION* (Attachment C).....
- ☐ *NONCOLLUSION AFFIDAVIT* (Attachment D)
- ☐ *DEBARMENT AND SUSPENSION CERTIFICATION* (Attachment E).....
- ☐ *NONLOBBYING CERTIFICATION FOR FEDERAL-AID CONTRACTS* (Attachment F).....
- ☐ *DISCLOSURE OF LOBBYING ACTIVITIES* (Attachment G).....
- ☐ Equivalent provisions (Attach complete listing, including page numbers)

D. Liquidated Damages (Check appropriate box and indicate page number) Page No.

- ☐ Caltrans SSP *SECTION 4. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES* (Attachment I, second page) is included in this contract.....
- ☐ Equivalent provisions are included.....

E. Disadvantaged Business Enterprise (DBE)

DBE Annual Goal _____	Date Annual Goal approved by DLAE _____
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Project Goal _____

If project has a specific goal, complete Section 1. If project does not have a specific goal, complete Section 2.

1. Projects with specific goals (Check if included and indicate page number) Page No.

- ☐ Caltrans SSP *SECTION 2. PROPOSAL REQUIREMENTS AND CONDITIONS* (Attachment H. Includes requirements for DBE subcontractor listing, Federal Lobbying Restrictions, Disadvantaged Business requirements, and DBE Goal for project.)
- ☐ Caltrans SSP *SECTION 3. SUBMISSION OF DBE INFORMATION AND AWARD AND EXECUTION OF CONTRACT* (Attachment I).....
- ☐ Caltrans SSP 5-1. *DBE RECORDS* (Attachment J).....
- ☐ Caltrans SSP 5-1. *PERFORMANCE OF DBE SUBCONTRACTORS AND SUPPLIERS* (Attachment K).....
- ☐ Caltrans SSP *LOCAL AGENCY BIDDER-DBE INFORMATION* (Attachment L).....
- ☐ Equivalent provisions (Attach complete listing, including page numbers).....

2. Projects without specific goals (Check box if these requirements are met)

- ☐ We have determined that a specific goal is not appropriate for this project. Evaluation documentation that verifies this determination is in accordance with our Annual Plan/Goal is on file.

Page No.

- ☐ Special provisions required for a project without specific goals are included in the contract documents (indicate page number).....

F. Buy America Specification (Check appropriate box and indicate page number if requirement applies. See Section 12.9 of the *Local Assistance Procedures Manual* for requirement.)

Page No.

- ☐ Caltrans SSP 5-1. *BUY AMERICA REQUIREMENTS* (Attachment M).....
- ☐ Equivalent provisions are included.....
- ☐ Buy America specifications are not included in contract.
- ☐ Waiver for the following has been approved by FHWA: _____ Date _____.

G. Federal Trainees (Check appropriate box and indicate page number if requirement applies)

- ☐ The project has less than 100 working days. A Federal Trainee goal and special provisions are not required.
- ☐ Analysis of the Engineers Estimate has the dollar value under \$200,000. A Federal Trainee goal and special provisions are not required.

Page No.

- ☐ Caltrans SSP - *FEDERAL REQUIREMENT TRAINING SPECIAL PROVISIONS* (Attachment N, FR-15 and FR-16) are included. (The Trainee goal is _____.).....
- ☐ Equivalent provisions are included (The Trainee goal is _____.).....

H. Federal Wage Rates (Check appropriate box and indicate page number if Federal Wages Rates are included)

Page No.

- ☐ Federal Wages Rates are physically incorporated in this contract.....

Note: By checking the above box, the local agency is indicating that they are aware of the Federal-aid "10 day rule" requirement.

- ☐ This project is not located on a Federal-aid Route, Federal Wage Rates are not required.

I. Relations with Railroad (Check appropriate box and indicate page number if special provisions are included)

Page No.

- ☐ The required provisions are included.....
- ☐ This project does not involve the use of railroad properties or adjustments to railroad facilities.

XIII. RESTRICTED CONTRACT PROVISIONS (Check appropriate box)

A. Indian Preferences (Check appropriate box and provide required information)

- ☐ Not included

identified in the local agency's DBE Program. Complete evaluation documentation is required and shall be retained for each project (see DBE references in the *Local Assistance Procedures Manual*).

In some cases, a specific goal may not be appropriate due to the extremely limited opportunities for DBEs or the lack of certified DBEs in the geographic area in which work is to be performed. If this project has a specific goal, complete Section 1. If project the does not have a specific goal, complete Section 2.

1. PROJECTS WITH SPECIFIC GOALS.

For projects that contain a specific goal, the following Caltrans SSPs (and the referenced Caltrans *Standard Specifications*), or equivalent provisions, are required to describe DBE Program Policy, the contract goal, eligibility criteria, good faith effort requirements, sanctions on failure to comply, procedures for counting DBE participation, award documentation procedures, post award compliance procedures, and required records and reporting.

Caltrans SSP *SECTION 2. PROPOSAL REQUIREMENTS AND CONDITIONS* (Attachment H.) includes requirements for DBE subcontractor listing, Federal Lobbying Restrictions, Disadvantaged Business requirements, and DBE Goal for project.

Caltrans SSP *SECTION 3. SUBMISSION OF DBE INFORMATION AND AWARD AND EXECUTION OF CONTRACT* (Attachment I)

Caltrans SSP 5-1. *DBE RECORDS* (Attachment J)

Caltrans SSP 5-1. *PERFORMANCE OF DBE SUBCONTRACTORS AND SUPPLIERS* (Attachment K)

Caltrans SSP *LOCAL AGENCY BIDDER-DBE INFORMATION* (Attachment L)

Check appropriate boxes (i.e., Caltrans SSPs or equivalent provisions) and indicate page number. If equivalent provisions are used, attach a complete listing, including page numbers.

2. PROJECTS WITHOUT SPECIFIC GOALS.

Documentation is required that verifies the local agency has determined that a specific project goal is not appropriate. Special provisions for projects without goals are then required as described in Exhibit 9-A (Part V, 4) and Chapter 12 "PS&E" of the *Local Assistance Procedures Manual*.

Both boxes must be checked.

F. BUY AMERICA SPECIFICATION

Current Buy America regulations are discussed in Section 12.9 of the *Local Assistance Procedures Manual*. Buy America requirements do not apply to minimal use of the material such that the cost, delivered to the project site, is less than \$2,500 or one-tenth-of-one-percent of the contract amount, whichever is greater. (Attachment M)

If the Buy America requirement applies, check the appropriate box (i.e., Caltrans SSP or equivalent) and indicate page number. If the requirement does not apply, check the last box.

G. FEDERAL TRAINEES

Chapter 12 "PS&E" of the *Local Assistance Procedures Manual* includes information for On-the-Job Training. If a Federal Trainee goal is not required, check the appropriate box. If a goal is required,

check appropriate box (i.e., Caltrans SSP or equivalent), indicate the trainee goal and the page number. (Attachment N)

H. FEDERAL WAGE RATES

If payment of Federal predetermined wages are required per instructions in Section B.2.a, "Section IV. Payment of Predetermined Wages," they shall be physically incorporated into the contract and in all related subcontracts

Check appropriate box (i.e., Federal Wages Rates are included or not required) and indicate page number if included.

By checking the box the local agency is indicating that they are aware of the Federal-aid "10 day rule" for Federal wage rates. See section 12.9 "Required Federal Contract Provisions" – "Federal Wage Rates" for local agency requirements under the "10 day rule."

I. RELATIONS WITH RAILROAD

Where construction of a Federal-aid project requires use of railroad properties or adjustments to railroad facilities, there shall be an agreement in writing between the local agency and the railroad company. The pertinent portions of the agreement applicable to any protective services required during performance of the work shall be included in the project specifications and special provisions.

Check appropriate box (i.e., provisions are included or not required). If provisions are included, indicate page number.

XIII. RESTRICTED CONTRACT PROVISIONS

Unless other wise noted, see Section 12.10 of Chapter 12 for detailed guidance.

A. INDIAN PREFERENCES

Generally, local agencies may not use local hiring practices. However, ISTEA permits an Indian employment preference provision for projects on or near Indian reservations or Indian lands. Check the appropriate box.

B. BONDING AND PREQUALIFICATION

Bonding and prequalification procedures are not required for Federal-aid projects. However, any procedures or requirements for bonding, insurance, prequalification, qualification, or licensing of contractors shall not be used which may operate to restrict competition, prevent submission of a bid by or prohibit consideration of a bid submitted by any responsible contractor, whether a resident or nonresident of California. Check appropriate boxes and if bonding and/or prequalification are used check the last box to indicate the requirement will be met.

C. PRICE ADJUSTMENT CLAUSES

Price adjustment clauses may be implemented if certain conditions are met. If these clauses are used, the local agency must provide documentation of the required conditions in the project files. Check the appropriate box.

D. WARRANTY CLAUSES (COMPLETE THIS SECTION IF PROJECT IS ON THE NHS)

Warranty clauses may be implemented if the conditions described in Section 12.12 of Chapter 12 are met. The local agency must provide documentation of the required conditions in the project files. Check the appropriate box.

Federal funding. Only one exception to this requirement can be made. It is for emergency relief projects involving emergency repair/opening of a facility. For more information on emergency relief projects see the *Local Assistance Program Guidelines*, Chapter 11, “Disaster Assistance.”

Advertising costs shall be charged to the preliminary engineering work authorization if such authorization has been requested and has been established for the purpose of Federal reimbursement.

PROCEDURES

Prior to project advertisement, the administering agency shall certify that their final PS&E package complies with all applicable Federal and State regulations and procedures (see Exhibit 12-A “PS&E Certification”). Local agencies should also complete and retain the “Local Agency Project Advertising Checklist” (Exhibit 15-C) in the project files prior to requesting an Authorization to Proceed. All administering agencies must submit a completed “Request for Authorization” with the PS&E Certification before they can receive verification that construction has been authorized by Caltrans.

Upon receipt of “Authorization to Proceed” for construction by Caltrans, the local agency can proceed to advertise the project.

During the advertising period, the administering agency shall notify all prospective bidders of PS&E addenda in the same manner as all other nonfederal-aid projects. For award of Federal-aid contracts, the local agency is required to certify that all bidders certify receipt of all addenda. The administering agency shall ensure free and open competition. The advertisement period is determined by the administering agency. A minimum advertisement period of three weeks is recommended for all projects. **For NHS projects a minimum advertisement period of three weeks is required by the FHWA.** The advertising period begins with publication of a “Notice to Contractors” in a newspaper receiving wide local circulation. The Notice shall identify the DBE project goals. The administering agency is responsible to approve and issue all addenda to the PS&E during the advertising period.

The local agency shall assure that all updated estimates are fundable from available local or Federal resources.

As soon as the project is advertised, the local agency shall furnish the DLAE with one copy of the “as advertised” plans and special provisions or two copies if structures (bridges) are involved.

15.5 CONTRACT BID OPENING

INTRODUCTION

The contract bid opening is a public forum for the announcement of all bids, and is that point in time where the bids are opened and read aloud. It is also the last moment that bids can be accepted. No bids can be accepted during or after bids are opened. Normally the advertisement/bid documents will state a final time in which bids can be accepted. For the bidder, the reading of the bids confirms whether his bid is successful. For the local agency and the general public, this forum establishes the cost to build the project. The bid opening requirements as outlined below apply to all Federal-aid

highway construction projects except for the “tabulation of bids requirement,” which does not apply to projects off the NHS.

REQUIREMENTS

FHWA policy requires all bids to be opened publicly and read aloud either item-by-item or by total amount. If a bid is not read, the bidder is to be identified and the reason for not reading the bid announced.

Reasons for not reading a bid include the bid itself being nonresponsive, often called “irregular,” or the bidder is determined to be unreliable. Responsive bid and responsible bidder are defined as:

- A **responsive bid** is one that meets all the requirements of the advertisement and proposal, while
- A **responsible bidder** is one who is physically organized and equipped with the financial ability to undertake and complete the contract.

Some reasons for not reading a bid due to bidding irregularities include:

- Failure to sign the bid
- Failure to furnish the required bid bond
- Failure to include a unit bid price for each item
- Failure to include a total amount for the bid
- Failure to prepare the bid in ink
- Failure to submit a completed addenda certification statement
- Failure to submit a noncollusion affidavit
- Failure to commit to the achievement of the DBE contract goals or demonstrate good faith efforts to do so
- Inclusion of conditions or qualifications not provided for in the specifications
- Submission of a materially unbalanced bid

The above examples do not include all possible bidding irregularities. The local agency’s standard specifications govern regarding what constitutes a bidding irregularity. Accordingly, the local agency’s bidding documents should clearly identify those requirements with which the bidder must comply to make the bid responsive.

Just as the bid may be rejected for being irregular or unresponsive, a bid may also be rejected on the grounds that the bidder is not a responsible bidder. A bidder may be deemed not responsible because of past unsatisfactory performance, as evidenced by failure to meet the local agency’s qualification requirements, or because of State or Federal suspension/debarment action. The administering agency should check to see if a contractor is suspended or debarred from Federal contracts. A publication titled, *A Listing of Parties Excluded from Federal Procurement and Nonprocurement Programs* **is available electronically via the internet at:**

<http://www.arinet.gov/epl/>

Note: Contractor’s “Debarment and Suspension Certification” is part of the “Notice to Contractors and Special Provisions” boiler plate.

In summary, a successful bid opening should identify the **responsible bidder** submitting the lowest **responsive bid**.

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Local Agency Contract Award Checklist

Project Sponsor: _____

Federal-aid project #: _____

Location: _____
DIST-----CO----- (Road/Street or RTE)-----PM-----AgencyLimits: _____
(Physical limits reference postmiles or intersections)

Has Caltrans issued an "Authorization to Proceed" in writing with Federal funds included for construction? and is the amount correct?.....	(yes/no)
Copy of engineers estimate:.....	to be attached
Is material testing and sampling arranged?.....	(yes/no)
Copy of low bidder's proposal:.....	to be attached
Low Bid signed in ink?	(yes/no)
Is a Good Faith Effort Statement of DBE Participation included in the low bidders proposal? Only required if DBE goal not achieved.	(yes/no/or not applicable)
Is the Noncollusion Affidavit (Chapter 12, "PS&E," Exhibit 12-F) signed and included in the low bidders proposal?	(yes/no)
Is the Bid summary (itemized bids for 3 lowest bidders) complete?.....	(yes/no)
Addendum procedures adhered to?.....	(yes/no)
Report of DBE Awards (Exhibit 15-K):.....	to be attached
TIP information, Authorized amount.....	\$ amount
Include TIP page number or amendment number here:.....	_____
Bid opening procedures were adhered to?:.....	(yes/no)
<u>Date OLP's Federal Wage Rate website was checked for updates</u>	<u>date</u>
<u>Date of bid opening</u>	<u>date</u>
Date of award:.....	date
Amount of award:.....	\$ amount
Detail Estimate (Exhibit 15-M):.....	to be attached
Finance Letter (Exhibit 15-N):.....	to be attached
Resident Engineer's Construction Contract Administration Checklist.....	to be attached
Is successful bidder licensed?.....	(yes/no)

Reviewed by: _____
(Signature of local agency Representative)_____
(Name printed or typed)

Title: _____

Date: _____

Phone Number: _____

NOTE: If the answer is no to any of the above questions, a letter of explanation is required. The DLAE shall review the explanation and determine if the local agency is eligible for Federal funds.

Distribution: All NHS Projects: (1) Original + 1 copy-Caltrans District Local Assistance Engineer . (2) Copy-Local Agency Project File

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